

STATE BOARD OF MASSAGE THERAPY

June 6, 2011

MINUTES

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Barbara Lis called the meeting to order at 11:18 a.m. in conference room W064 of the Indiana Professional Licensing Agency, 402 W. Washington Street, Indianapolis, IN 46204. A quorum was established.

Members Present:

Barbara Lis, Vice-Chair
Deborah Ellis, Member
Christopher Johnson, Member
Ann Botka, Member (arrived at 11:30 a.m.)

Members Absent:

Roger Reeves, Chair

State Officials Present:

Tasha Coleman, Board Director, Indiana Professional Licensing Agency
Andre Phillips, Assistant Board Director, Indiana Professional Licensing Agency
Elizabeth Brown, Board Advisory Council, Office of the Attorney General

I. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

Ellis/Johnson
3/0/0 Motion carried

II. ADOPTION OF THE MINUTES FROM THE MARCH 7, 2011 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes from the March 7, 2011 meeting of the Board.

Johnson/Ellis
3/0/0 Motion carried

III. PERSONAL APPEARANCES

A. **Michelle Weems** did not appear as per the Board's request. A motion was made and seconded to deny the application.

Botka/Ellis
4/0/0 Motion carried

B. **Liping Li** did personally appear before the Board to answer questions regarding her positive response application where she indicated that she was convicted of prostitution in the State of California. The Board requested that that Ms. Li submit proof that the charges in California

were dismissed. Upon review of the information submitted a motion was made and seconded to deny the application based on her conviction of prostitution.

Ellis/Botka
4/0/0 Motion carried

- C. **Hong Jiang** did personally appear before the Board to answer questions regarding her application for certification as a massage therapist. Ms. Jiang did not answer the application truthfully in that she did not indicate that she had been disciplined in another state. Upon review of the information submitted a motion was made and seconded to deny based on the fact that she submitted a fraudulent application.

Johnson/Ellis
4/0/0 Motion carried

- D. **Erik Owen** did personally appear before the Board to answer questions regarding his positive response application for certification as a massage therapist. Upon review of the information submitted a motion was made and seconded to approve the application.

Botka/Johnson
4/0/0 Motion carried

IV. ADMINISTRATIVE HEARINGS

- A. **In the matter of the certification of Lindsay D. Fisher, Certification No. MT 21003585**
Administrative Cause Number: 2011 SBMT 0002
Re: Proposed Settlement

Parties and Counsel Present:
Darren Covington, OAG

Witnesses:
None

Participating Board Members:
Deborah Ellis
Barbara Lis
Anne Botka
Christopher Johnson

Court Reporter:
Sherri Rutledge

Case Summary: On March 3, 2011 the Board received a complaint against the Respondent. Said complaint indicated that she had allowed her professional liability insurance to lapse.

Resolution: Based on a review of the information submitted a motion was made and seconded to approve the settlement agreement which would suspend her license. She may request that the suspension be released upon her written request and proof of having obtained professional liability insurance.

Ellis/Botka
4/0/0 Motion carried

B. In the matter of the certification of Ashlie Nicole Hafner, Certification No: MT20903021

Administrative Cause Number: 2011 SBMT 0001

Re: Motion for Voluntary Dismissal

Parties and Counsel Present:

Darren Covington, OAG

Witnesses:

None

Participating Board Members:

Deborah Ellis

Barbara Lis

Anne Botka

Christopher Johnson

Court Reporter:

Sherri Rutledge

Case Summary: On March 3, 2011 the Board received a complaint against the Respondent. Said complaint indicated that she had allowed her professional liability insurance to lapse.

Resolution: Based on the information submitted and the request of the OAG a motion was made and seconded to dismiss the complaint.

Johnson/Botka

4/0/0 Motion carried

C. In the matter of the certification of Korine Abernathy, Certification No.: MT21003392

Administrative Cause Number: 2010 SBM T 0005

Re: Modification of Probationary Order

Parties and Counsel Present:

Darren Covington, OAG

Witnesses:

None

Participating Board Members:

Deborah Ellis

Barbara Lis

Anne Botka

Christopher Johnson

Court Reporter:

Sherri Rutledge

Case Summary: The Respondent applied to the Board for certification as a massage therapist by grandfathering on June 24, 2009. She answered yes to questions #3 on the application indicating that she had been convicted of, plead guilty or nolo contendere to any offense, misdemeanor or felony in any state. On September 14, 2009 the Board issued the Respondent's certification on probation following a personal appearance. The Respondent appeared before the Board in September 2010 due to her noncompliance with her probationary order; at that time she requested a modification hearing. In December 2010 and March 2011 the Respondent requested a continuance; said continuance was granted.

Resolution: Due to Ms. Abernathy's failure to appear the OAG requested that the Board issue a Notice of Proposed Dismissal.

Johnson/Botka
4/0/0 Motion carried

D. In the matter of the certification of Jennifer Messer, Certification No.: MT20901842

Administrative Cause Number: 2009 SBM T 0002

Re: Termination of Probationary Order

Parties and Counsel Present:

Darren Covington, OAG

Witnesses:

Jennifer Messer

Participating Board Members:

Deborah Ellis

Barbara Lis

Anne Botka

Christopher Johnson

Court Reporter:

Sherri Rutledge

Case Summary: In July 2009 the Respondent's application for certification as a massage therapist was granted on probation. The decision to grant the certification on probation was based on her conviction of public intoxication and current status of criminal probation. In June 2010 the Board imposed additional sanctions on the Respondent's certification due to her failure to comply with the terms of her probation.

Resolution: After reviewing the information submitted a motion was made and seconded to terminate probation and to issue the massage therapist certification of Ms. Messer unencumbered.

Ellis/Botka
4/0/0 Motion carried

E. In the matter of the certification of Hellena Smith, Certification No.: MT20902820.

Administrative Cause Number: 2009 SBM T 0006

Re: Termination of Probationary Order

Parties and Counsel Present:

Darren Covington, OAG

Witnesses:

Hellena Smith

Participating Board Members:

Deborah Ellis

Barbara Lis

Anne Botka

Christopher Johnson

Court Reporter:

Sherri Rutledge

Case Summary: On August 21, 2009 the Board issued the Respondent's certification as a massage therapist on probation. The decision to grant on probation was due to the Respondent's 2008 conviction of misdemeanor battery and invasion of privacy and her 2008 conviction of operating a vehicle while intoxicated. In June 2010 the Board imposed additional sanctions on the Respondent's certification due to her failure to comply with the terms of her probation.

Resolution: After reviewing the information submitted a motion was made and seconded to terminate the probationary status of the massage therapist certification of Ms. Smith and issue her certification unencumbered.

Ellis/Botka
4/0/0 Motion carried

F. In the matter of the certification of Cynthia Jane Zahrn, Certification No.: MT20902209
Administrative Cause Number: 2011 SBMT 0004
Re: Proposed Settlement

Parties and Counsel Present:
Darren Covington, OAG

Witnesses:
None

Participating Board Members:
Deborah Ellis
Barbara Lis
Anne Botka
Christopher Johnson

Court Reporter:
Sherri Rutledge

Case Summary: On March 23, 2011 the Board received a complaint against the Respondent. Said complaint indicated that she had allowed her professional liability insurance to lapse.

Resolution: A motion was made and seconded to approve the settlement agreement which would suspend the massage therapist certification of Ms. Zahrn and she may request that suspension be lifted upon written request and submission of proof of liability insurance.

Ellis/Botka
4/0/0 Motion carried

G. In the matter of the certification of Dale E. Braun
Administrative Cause Number: 2011 SBMT 0005
Re: Appeal of Denial

Parties and Counsel Present:
Dale E. Braun

Witnesses:
Dale E. Braun
Barbara May

Participating Board Members:

Deborah Ellis
Barbara Lis
Anne Botka
Christopher Johnson

Court Reporter:

Sherri Rutledge

Case Summary: In April 2009 the Respondent submitted an application for certification as a massage therapist by grandfathering. The Board issued a "Withdraw or be Denied" letter to the Respondent due to the fact that his business records did not indicate that he had been employed as a massage therapist. The Respondent withdrew his application. In December 2010 the Respondent submitted another application for certification as a massage therapist by grandfathering. The Board denied said application at their March 2011 meeting due to the fact that the grandfathering period had ended.

Resolution: After reviewing the information that was submitted and hearing testimony in this matter; a motion was made and seconded to uphold the original decision by the board to deny application for certification as a massage therapist by grandfathering.

Ellis/Botka

3/1/0 (Johnson opposed) Motion carried

H. In the matter of the certification of Grace Li, Certification No.: MT20903220

Administrative Cause Number: 2010 SBMT 0009

Re: Default

Parties and Counsel Present:

Darren Covington, OAG

Witnesses:

None

Participating Board Members:

Deborah Ellis
Barbara Lis
Anne Botka
Christopher Johnson

Court Reporter:

Sherri Rutledge

Case Summary: On April 4, 2011 the Board received a complaint against the Respondent which indicated that she had not reported to the Board that she had been charged with prostitution in September 2008. Additionally the Respondent indicated on her initial application that she posses a Pennsylvania license to practice massage therapy which was under review when in fact it was expired.

Resolution: A motion was made and seconded to issue a notice of proposed default due to Ms. Li's failure to appear.

Ellis/Botka

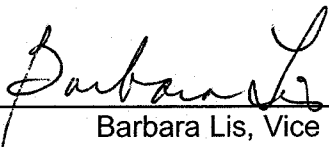
4/0/0 Motion carried

V. DISCUSSION ITEMS

- A. **Endorsement Applications** – Barb Lis was contacted by potential applicant with questions regarding the endorsement process. Barbara advised applicant to contact Board staff with any application questions. This brought up a discussion on the endorsement process. We do not share any agreement with any other state for endorsement.
- B. **FSMTB Update** – October 13-15, 2011 in LA. Tasha Coleman will check with the federation regarding delegate funding.
- C. **Newsletter** – Tasha Coleman informed the Board that the MT newsletter would be released at the end of June via email to certificate holders and would also be posted on the MT website.
- D. **Insurance and inactivity status** - Barb Lis asked if it was possible for massage therapists who allowed their professional liability insurance to lapse to be permitted to go on inactive status. Liz Brown, Advisor, informed the Board that there was no "inactive" status at this time. There would have to be a statute change to add that particular status.
- E. **Examinations**

VI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the State Board of Massage Therapy adjourned at 4:00 p.m.



Barbara Lis, Vice Chair